IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Crl.MC.No. 4932 of 2003()

CC.98/2003 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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PETITIONER: 7th ACCUSED

T.SHAHAD, SON OF A.V.MOMMED KOYA,
A.V.NIVAS, 14/586, FRANCIS ROAD, KOZHIKODE-3.

BY ADV. SRI.V.G.ARUN

RESPONDENTS: COMPLAINANT/STATE

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1. P.K.AZEEZ, SON OF MAMU KOYA CHULLIYIL PADANNA, PUTHIYAPALAM, KOZHIKODE-3.

2. THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI.P.V.KUNHIKRISHNAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.M.C.No.4932 of 2003

Dated this the 6th day of September, 2007

O R D E R

The petitioner, who is the accused in C.C.No.98/03 in the file of JFCM-III, Kozhikode, has sought for getting quashed the proceedings. He was originally the 7th accused in C.C.No.592/99. The case against him was split up as he was working abroad and could not make appearance before the court below. The rest of the accused were tried and acquitted. It is pointed out that the incident has taken place on 1.9.1997 as alleged and which can be ascertained from Annexure 1 copy of the complaint. The complaint has been filed only on 29.4.1999. The offence alleged is under Section 323 IPC. Hence, the complaint has been filed beyond the period of limitation stipulated under Section 468(2) (b) Crl.P.C.

In the circumstances, I find that the proceedings cannot be sustained. Hence, the proceedings pending against the petitioner as C.C.98/03 in the court of JFCM-II, Kozhikode is herewith quashed.

The Crl.M.C. is allowed.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

CRL.A.NO.871/2002

JUDGMENT

6th September 2007